

ORDINANCE NO. 869

AN ORDINANCE CREATING SECTION 58-12 OF CHAPTER FIFTY-EIGHT OF THE TOWN OF HOLLYWOOD PARK CODE OF ORDINANCES REGARDING TREE TRIMMING PERMITS

WHEREAS, the Town of Hollywood Park is a Type A general law municipality; and

WHEREAS, Chapter 51 of the Texas Local Government Code authorizes a Type A general law municipality to adopt an ordinance, act, law or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the municipality as a body politic; and

WHEREAS, the Town has determined that it is in its best interest to establish specific regulations regarding tree preservation in connection with commercial and residential property development; and

WHEREAS, the Town also has determined that regulation of tree trimming is critical to protect the health, safety and general welfare of the public, enhance property values, improve the aesthetic beauty of the City, provide for and encourage the preservation and protection of existing trees, and provide for the maintenance of trees; and

WHEREAS, the Town already has an ordinance requiring the proper maintenance of trees and shrubs but such ordinance does not address issues relating to regulating credible and reputable commercial landscaping or tree trimming businesses;

NOW THEREFORE: BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS:

Article IV of Chapter Thirty of the Town of Hollywood Park Code of Ordinances is hereby created and reads as follows:

Article IV: Tree and Landscaping Regulation

30-200: Permit

- (a) It shall be unlawful for any commercial or business entity to perform any tree trimming services within the municipal limits of the Town of Hollywood Park without first obtaining a permit from the Town.
- (b) As part of the application for any permit under this Article, the applicant must certify the applicant has read the regulations contained within the Town of Hollywood Park Code of Ordinances relating to tree services, weed and rubbish regulations, and property owner duties relating to trees including sections 30-136 through 30-138, section 38-46, and section 58-11.
- (c) As part of the application for any permit under this Article, the applicant must also submit a legible copy of a photo identification card issued by a governmental agency of the individual signing the application which includes a valid and current physical address of the individual signing the application.

- (d) A permit under this Article is separate from the permit required under section 38-46.
- (e) The cost of the permit shall be set and listed in the schedule of fees available in the office of the city secretary for public examination.

30-201: Permit Denial

- (a) No permit may be issued to any commercial or business entity under this Article if the commercial or business entity, its principal owner, or its parent or subsidiary, has a collective total of three (3) or more convictions within a three (3) year period of any violations of sections 30-136 through 30-138, section 38-46, section 58-11 or this Article.
- (b) Any commercial or business entity who wishes to appeal a denial of an application for a permit under this Article may file a Notice of Appeal with the City Secretary within ten (10) calendar days of the date of the denial. The appeal may be heard by the City Council at the next convenient regularly called Council meeting. The City Council may grant a permit under this Article in response to an appeal only upon sufficient showing by the applicant that the applicant has taken sufficient steps to ensure no further violations will occur.

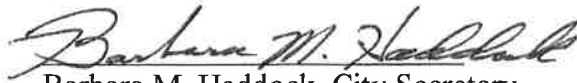
30-202: Penalty

Any person who violates any provision of this Article shall, upon conviction, be punished according to the general penalties described in section 1-15. Each day that a provision of this ordinance is violated shall constitute a separate offense.

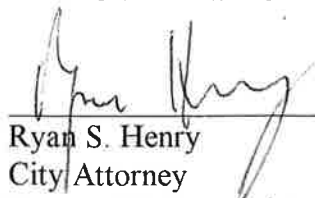
PASSED AND APPROVED, this, the 21st day of April, 2009.


Mr. Richard McIlveen, Mayor
Town of Hollywood Park

ATTEST:


Barbara M. Haddock, City Secretary
Town of Hollywood Park

APPROVED AS TO FORM:


Ryan S. Henry
City Attorney
Town of Hollywood Park